

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1939B**, requested by REGA Engineering Group on behalf of the Nebraska Heart Hospital, L.L.C., to add 33,500 square feet of medical office space, to revise the parking layout, and to add parking spaces, including a request to waive the maximum building height from 35' to 44' in the R-3 Residential district, on property generally located southeast of the intersection of South 91st Street and Heritage Lakes Drive.

STAFF RECOMMENDATION: Conditional approval, as revised, including approval of the height waiver.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/17/03 and 10/01/03
Administrative Action: 10/01/03

RECOMMENDATION: Conditional Approval, as revised, with amendments (7-0: Bills-Strand, Carlson, Larson, Taylor, Marvin, Duvall and Steward voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This proposal had original public hearing before the Planning Commission on September 17, 2003, at which time the applicant requested a two-week deferral in order to add the height waiver request (See Minutes, p.9-10, and See p.16).
2. There was testimony in opposition by Tim Phillips on behalf of Andermatt and Eiger Corp., regarding the allocation of pm peak hour trips as a result of this proposed amendment to add medical office floor area (See Minutes, p. 9-10, and p.31-33).
3. A revised staff report was submitted for the October 1, 2003, continued public hearing. The revised staff recommendation of conditional approval, including approval of the height waiver, is based upon the "Analysis" as set forth on p.3-6, concluding that the proposed amendment and waiver of height are compatible with the surrounding development and comply with the Zoning Ordinance and Comprehensive Plan.
4. On October 1, 2003, the staff submitted amendments to the conditions of approval based upon further negotiations between the applicant and the representatives of Andermatt and Eiger Corp. (p.34-36). During the negotiations and upon further review of the initial special permit for the Heart Hospital, it was determined that the "commercial trip cap" set forth in the annexation agreement does not apply to the residentially zoned property east of 91st Street, including the Heart Hospital. Thus the previously drafted conditions referring to the trip cap have been deleted. The revised conditions also require a traffic study for any further expansion of the Heart Hospital special permit, except for 12 accessory multi-family dwelling units for temporary lodging of family and hospital visitors.
5. The minutes of the continued public hearing before the Planning Commission are found on p.10-13, wherein DaNay Kalkowski testified in support on behalf of Andermatt and Eiger Corp., with a request for additional language to clarify that the traffic generated by the Heart Hospital will not be considered as a part of the trip cap (See Minutes, p.11-13, and p.37-38).
6. There was no testimony in opposition at the continued public hearing.
7. On October 1, 2003, the Planning Commission agreed with the revised staff recommendation of conditional approval and voted 7-0 to recommend conditional approval, with the amendments submitted by the staff on October 1, 2003, including the additional language submitted by DaNay Kalkowski (as new Condition #3.5).
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY:

REFERENCE NUMBER: FS\CC\2003\SP.1939B

DATE: October 7, 2003

DATE: October 7, 2003

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 1, 2003 PLANNING COMMISSION MEETING
Revised Report

****As Revised and Recommended by Planning Commission: 10/01/03****

P.A.S.: Special Permit #1939B

PROPOSAL: To revise the parking layout, add additional parking spaces, and add 33,500 square feet of medical office space to the Nebraska Heart Hospital.

LOCATION: Southeast of the intersection of South 91st Street and Heritage Lakes Drive.

WAIVERS: Height waiver to exceed the maximum height of the R-3 district from 35' to 44'.

LAND AREA: Approximately 20.69 acres.

CONCLUSION: The proposed amendment and waiver to height are compatible with surrounding development and comply with the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Nebraska Heart Hospital Addition, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Hospital, Medical Offices

SURROUNDING LAND USE AND ZONING:

North:	R-3	Undeveloped, Day Care Facility
South:	R-3	Undeveloped
East:	R-3	Residential
West:	B-5	Regional Shopping Center

HISTORY:

January 15, 2003 - Administrative Amendment #02081 was approved revising the landscape plan, changing the layout of street trees along South 91st Street.

April 22, 2002 - Special Permit #1939A was approved allowing an adjustment to the site boundary and site layout of Special Permit #1939.

Nov. 5, 2001 - Appian Way Preliminary Plat #01006, Change of Zone #3320, Change of Zone #3285, Annexation #01006, and Use Permit #140 were approved.

October 17, 2001 - Special Permit #1939 was approved allowing an 80-bed hospital and 30,000 square feet of medical office floor area.

TRAFFIC ANALYSIS: A vehicle “trip cap” was made part of the Andermatt/Appian Way annexation agreement. Street and other infrastructure improvements required of the developers were based upon the traffic volumes assumed in the agreement. The “trip cap” was not discussed when the original special permit for the hospital was approved; however, it does generate non-residential trips within the area covered by the annexation agreement. The proposed expansion of the medical office building represents a further reallocation of vehicle trips within this area. The vehicle trip cap is not being increased, so vehicle trips must be reallocated from other planned commercial development to the hospital.

AESTHETIC CONSIDERATIONS: Construction of the Heart Hospital began prior to residential development in the area. However, development of the hospital site must continue to be done in manner sensitive to surrounding residences.

ANALYSIS:

1. This application was delayed two weeks at the request of the applicant to allow a waiver to height to be included as part of the application. The report has been revised to address this request in Analysis Section 2(b)5. Additionally, the recommended conditions of approval have also been revised. Staff reconsidered Conditions 1.1.2 and 1.2 which relate to documenting compliance with the trip cap. This item is discussed in Analysis Section 4.
2. Health care facilities are allowed by special permit in the R-3 district per Section 27.63.080 Permitted Special Use: Health Care Facilities. They are allowed in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, B-3, H-3, or I-1 zoning districts under the following conditions:

(a) Parking. Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street as designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.

-The parking requirements for medical offices are one stall per 225 square feet. The proposed 63,500 square foot building requires 282 spaces. Hospitals require one space per 2.5 beds, plus one space per employee on the largest shift. SP#1939 approved an 80-bed hospital with 246 employees on the largest shift. The total number of spaces required is 560; 582 are being provided exceeding the requirement by 22 spaces.

-Drive access is provided to both South 91st Street (a minor arterial) and to Heritage Lakes Drive (a 33' wide local street).

-No parking is proposed in the required front or side yards, and the proposed screening meets Design Standards.

(b) Yard and area regulations.

(1) Buildings shall not occupy over thirty-five percent of the total land area covered by the special permit.

-The proposed buildings occupy approximately 14% of the total land area.

(2) Yards abutting a nonresidential district shall be the same as those required in said abutting district.

-The yards do not abut a nonresidential district. The site plan shows a 50' setback along S. 91st Street, which matches the setback required in the B-5 district to the west.

(3) Any yard abutting a residential district or located wholly or partially in a residential district shall be the greater of ten feet or that required in the said abutting district, plus an additional one foot setback for each one foot of height shall be provided between the yard line and the wall nearest the yard line for that portion of the building exceeding twenty feet in height.

-The setback provided for the medical office building exceeds the requirement.

(4) Required front and side yards shall be landscaped.

-Landscaping which meets the requirements for "required yards, open space areas, malls and around proposed buildings in the O-3, B-2, B-5, I-2 and I-3 districts" would be appropriate here. For every 10,000 square feet of building coverage or fraction thereof, the site must provide 4 deciduous trees with a design spread of 30' and 400 square feet of shrub coverage. The plans approved with SP#1939 met this standard, and are carried forward with this request.

(5) The City Council may increase or decrease these requirements with consideration given to both facilities and adjacent environment.

-A waiver to the maximum allowed height limit of the district is requested. The building elevations submitted show a 44' tall building, nine feet in excess of the 35' height limit of the R-3 district (the elevations are submitted for reference only; actual building design is not limited to the depictions). The proposed office building is adjacent to the Heart Hospital to the east, and the Prairie Lakes (formerly known as Appian Way) regional shopping center to the west.

The tract north across Heritage Lakes Drive is also zoned R-3, and could potentially be developed with single-family homes. However, the original phasing plan in the annexation agreement for this area and the initial concept plan for the shopping center

indicated the tract would be developed with apartments. This site is not unlike others around the city where hospitals are located within residential areas, and where the hospital exceeds the height limit. This is generally an acceptable use provided an adequate transition to adjacent residential is provided. In this case, the setbacks and screening exceed requirements, and given the surrounding pattern of land use development this waiver is acceptable.

(c) The proposed health care facility shall conform to all applicable state and federal requirements.

(d) The location of health care facilities shall be readily accessible to the area served. Such facilities should be located on major streets near the center of the area to be served.

-The application for special permit #1939 indicated that this facility is intended to be a specialty heart hospital: "The Nebraska Heart Institute serves an area which is virtually statewide, but which is centered in southeast Nebraska. The location near Highway 2 is easily accessible to patients in the region..." The hospital has access to South 91st Street, which is classified as a minor arterial on the Functional Classification Map of the Comprehensive Plan.

3. This site of the hospital is within an area covered by the Andermatt/Appian Way annexation agreement. A map is attached to this report that delineates the area, and includes the phasing plan for development. The agreement stipulates a maximum vehicle trip cap based upon infrastructure improvements to support the amount of commercial floor area allowed. The P.M. peak hour trip cap is 5,283. This total number of trips is divided between the areas north and south of Highway 2 - 4,044 trips allocated to the area north of the highway, and 1,239 trips allocated south of the highway.
4. While trip generation north of the highway is below the maximum allowed with the proposed medical office expansion, it does require a reallocation of trips. That is, the additional 33,500 square feet of medical office floor area generates a given number of additional vehicle trips that must be accounted for, along with the 125,000 square feet of floor area already approved for this site. Because the trip cap of 4,044 is not being increased, the additional vehicle trips must be reallocated from somewhere else within the development. It is staff's intent to ensure that all affected parties are aware of the impact of building expansions and new commercial development relative to the trip cap, and that a running total of allocated trips be maintained.

For this reason, staff is recommending that the applicant calculate the number of p.m. peak hour trips being generated by the hospital and office building, and that this information be appended to the land use/trip generation table approved as part of the Appian Way use permit. Staff is also recommending that the applicant be required to provide this information to the parties to the Appian Way annexation agreement as part of a letter informing them of the intent of this proposed amendment.

5. Staff has been made aware that the developers of the Prairie Lakes shopping center oppose this special permit because it represents a reallocation of trips not anticipated by them. Staff's

goal is to ensure that development occurs consistent with the terms of the annexation agreement and the approved use permit, and that all affected parties are advised throughout the process. Relative to the trip cap, this means ensuring that the cap is not exceeded. However, the specific allocation and reallocation of trips within the development have been assumed to be the responsibility of the original developer. If the developer intends to reserve trips for certain parcels, he can make restrictions on the use of other tracts he is selling as part of the private negotiations.

In the absence of those restrictions, staff has evaluated whether the proposed use of the Heart Hospital represents any more than the average per-acre traffic generation of 4,044 trips divided over the area covered by the original annexation agreement, plus the area contemplated for commercial development that was approved as an amendment to the Comprehensive Plan in July, 2003. The proposed use does not appear to exceed that average.

In recognition of these facts, staff has deleted the original Condition 1.2 requiring proof of agreement among the parties involved. Instead, staff is recommending the applicant be required to give notice as noted previously.

6. The plan approved by SP#1939 included an area east of the hospital for future residential. The stated purpose was to provide overnight accommodations for patients and family members of patients, but neither a specific site plan nor number of units were established with the special permit. Development of any housing units would require an amendment to the special permit. The proposed parking lot east of the hospital encroaches into the housing area, reducing it by about one-half.
7. It is noted that the screening meets Design Standards, with the exception that parking lot screening is not shown. This is acceptable with the condition that it be included at the time of building permits.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 The correct legal description on the site plan.
 - ~~1.1.2 The land use/trip generation table that is part of the Appian Way Use Permit #140A included as part of this special permit, with the table appended to include a note indicating the number p.m. peak hour vehicle trips allocated to the hospital site which includes 80 beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area. (**As revised by staff and recommended by Planning Commission: 10/01/03**)~~

~~1.2 Submit documentation demonstrating that the information regarding trip generation calculations for the hospital (80 beds, 95,000 square feet) and medical office building (63,500 square feet) has been provided to the parties to the Appian Way annexation agreement as part of a letter informing them of the intent of this amendment. (**As revised by staff and recommended by Planning Commission: 10/01/03**)~~

2. This approval permits 80-beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area with a waiver to height to 44'. Any application for further expansion, except for 12 accessory multi-family dwelling units for temporary lodging of family and hospital visitors, shall be accompanied by a traffic study which identifies any impact on the street network and by a plan to mitigate said impacts. **(**As revised by staff and recommended by Planning Commission: 10/01/034**)**

General:

3. Before receiving building permits:
 - 3.1 The applicant shall submit 5 copies of the revised site plan.
 - 3.2 The operation and the premises are to comply with all applicable state and federal requirements.
 - 3.3 The construction plans comply with the approved plans.
 - 3.4 Parking lot screening must be shown.
 - 3.5 Revise the site plan to add a note stating, "This special permit is located within a residential district and does not affect the 'P.M. Peak Hour Net Commercial Vehicle Trips' cap set forth in the Conditional Annexation and Zoning Agreement for S. 84th & Highway 2." **(**As recommended by Planning Commission: 10/03/03**)**

Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the additional 33,500 square feet of medical office space allowed by this permit all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping are to be permanently maintained by the owner.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Brian Will
Planner

September 4, 2003

**APPLICANT/
CONTACT**

Dan Rosenthal
REGA Engineering Group
5000 Central Park Drive
Lincoln, NE 68504

OWNER:

Nebraska Heart Hospital, LLC
1500 South 48th Street Suite 800
Lincoln, NE 68506

SPECIAL PERMIT NO. 1939B

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 17, 2003

Members present: Larson, Bills-Strand, Carlson, Krieser, Duvall, Taylor, Marvin and Steward.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda for separate public hearing.

Ex Parte Communication: None.

Proponents

1. **Mark Hunzeker** appeared on behalf of the **Nebraska Heart Hospital** and advised the Commission that the applicant is requesting a height waiver which needs to be advertised. Therefore, Hunzeker requested a two-week deferral.

Larson moved to defer two-weeks, with continued public hearing and administrative action on October 1, 2003, seconded by Larson and carried 8-0: Larson, Bills-Strand, Carlson, Krieser, Duvall, Marvin, Taylor and Steward voting 'yes'.

Opposition

1. **Tim Phillips**, affiliated with the law firm of Morrow, Poppe, Otte, Watermeier and Phillips, testified on behalf of Eiger Corp. and Andermatt in opposition to this amendment to the special permit. Phillips requested that the Planning Commission not take any action approving this special permit amendment unless and until the Planning Commission is furnished with written documentation duly executed by Andermatt and Eiger evidencing a reallocation of the P.M. peak hour trips to the site that is covered by this special permit. Phillips submitted a letter written by W. Michael Morrow outlining the position of the developers. Basically, this amendment to the special permit is requesting an increase in square footage of medical office space that was previously approved, which will result in an increase of allocation of P.M. peak hour trips through this area. Andermatt and Eiger have spent a lot of money developing the infrastructure and streets in this area and the increased square footage of medical office floor area is going to greatly affect the allocation of the remaining peak hour trips that can be allocated to those areas that have not yet been developed. There had been no agreement reached between the developer and the Heart Hospital regarding the allocation of additional peak trips for their particular development.

Phillips noted that the Planning Department is recommending that that agreement be reached before the matter is passed on to the City Council; however, at this point in time, there has been no agreement reached. The P.M. trips were set forth in the original special permit to develop this particular area. There was an allocation of 5,283 P.M. peak hour trips--4,044 were allocated to the northern part of the development north of Hwy 2, and 1,239 were allocated to the commercial area to be developed to the south of Hwy 2. Increasing the square footage of the medical office building (basically doubling it) will

greatly affect the allocation of those remaining P.M. traffic trips for the other areas that remain to be developed. The Planning Department has indicated in their report that the applicant must demonstrate that there is an agreement between the parties that will allow additional trips to be allocated to the hospital (Condition #1.2).

Carlson noted that Condition #1.2 is required before the application is scheduled on the City Council agenda. Phillips requested that the Planning Commission not take action until that agreement is reached.

Brian Will of Planning staff advised the Commission that today's staff report will be revised prior to the next meeting to consider the additional waiver request. In addition, he believes that Condition #1.2 to which Mr. Phillips refers will be deleted as a requirement in that revised staff report because overall, the development within this area is well below the trip cap. The staff intends to add a condition that the applicant give notice to the developers; however, the staff no longer believes it is fair to require an agreement as a condition of the special permit.

This application will be scheduled for continued public hearing and administrative action on the October 1, 2003.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 1, 2003

Members present: Bills-Strand, Carlson, Larson, Taylor, Marvin, Duvall and Steward; Krieser absent.

Staff recommendation: Conditional approval, as revised.

Ex Parte Communications: None.

Brian Will of the Planning staff advised that since the revised staff report was last distributed, the staff and the other parties involved have had several meetings and revisited the issue of the traffic cap, which has been one of the central issues. The residential area east of 91st Street is not part of the traffic cap for Appian Way or Prairie Lakes, the commercial development to the west. In recognition of that fact, the staff has again revised the conditions of approval, deleting Condition #1.1.2 and #1.2, and modifying and adding language in Condition #2 such that any application for further expansion, except for 12 accessory multi-family units for the Hospital, shall be accompanied by a traffic study which identifies any impact on the street network. It has been agreed that the substance of this amendment is acceptable and is not covered by the traffic cap for Appian Way and the annexation agreement; however, should the hospital further expand, the city wants to reserve the right to review the potential impacts and to be able to mitigate, if necessary.

Steward noted that Analysis #4 in the staff report refers to a letter being required to the original developer. Will advised that such condition is now being stricken.

Proponents

1. Mark Hunzeker appeared on behalf of **Nebraska Heart Hospital**, the applicant. He agreed with the staff's proposed amendments to the conditions of approval. This is an office building which was

originally contemplated albeit at a slightly smaller scale. The project is designed to be architecturally compatible with the existing building, using the same brick and similar architectural style. This building will have a flat roof which is not identical to the Heart Hospital but is of compatible design. A lot of glass has been incorporated on the third floor, which is set back from the front and rear elevations considerably to provide a break in the scale of the building. He believes this will be a very attractive project and agreed with all conditions of approval, including the revisions.

Hunzeker understands there may be a request to further revise the new condition, which he will not oppose. The parties to the annexation agreement have some concern about the potential confusion in the future over the cap and he believes they will submit additional language which he has seen and to which he has no objection.

Steward referred to the waiver of building height and asked Hunzeker to give an indication of the height of the existing building. Hunzeker indicated that the building heights are similar. The peak of the pitched roof on the Heart Hospital is very close to the height of the flat roof building.

Marvin noted that two weeks ago the discussion focused on trip counts and how this was pushing the upper limit. What happened? Hunzeker stated that in the annexation agreement, there was a trip cap that was placed on the commercial development and the area east of 91st is all zoned residential. This special permit, a community unit plan and a day care center have been approved under that residential zoning. It was determined that the area east of 91st Street, which is zoned residential, wasn't originally included in the trip cap and will not be included in the trip cap, but they have agreed that with the approval of this particular application, this is all that can be done with this site, with the exception of putting in the originally contemplated residential structures for family and visitors to the hospital. The Heart Hospital has agreed to submit a traffic study if any further changes come forward. The applicant's traffic engineers that reviewed this and the City Traffic Engineer agreed that what we are doing here is going to add something like 22 trips to the total peak hour traffic in this area. There will be very little potential impact--one very hard to measure.

2. DaNay Kalkowski appeared on behalf of **Andermatt** and **Eiger**, the owners and developers of the shopping center. She submitted a proposed amendment to Condition #1.1.2. In November of 2001, Andermatt and Eiger were the principal parties with the city on the original annexation agreement for 84th and Hwy 2. That agreement identified the road, water and sewer improvements needed for the ultimate development of the entire area between 84th and 98th, from Pine Lake Road south all the way to south of Hwy 2. The road improvements that were identified were designed to handle a certain amount of traffic, so as part of that agreement, a cap was placed on the pm peak hour commercial trips. The trip cap at that time specifically excluded trips that were allocated under the traffic study to the residential areas that were covered by the annexation agreement. The special permit for the Heart Hospital is located in residential zoning and within the area shown as residential under the annexation agreement. There has been a lot of confusion about how the traffic generated as a result of this special permit and this expansion should be accounted for. When the special permit was originally approved in 2001, no trips were counted or subtracted from the commercial trip cap. In fact, the permittee was required to construct some additional road improvements over and above what was required in the annexation agreement. Kalkowski agreed with staff's conclusion that this special permit is located in the residential area and is separate from and does not affect the commercial trip cap. Consequently, Kalkowski indicated that her clients support the staff's revised conditions, with the addition of language to Condition #1.1.2, which clarifies that this special permit is located in a residential district and it does not affect the pm peak hour commercial trip cap outlined in

the annexation agreement. With the proposed additional language to Condition #1.1.2, if the Heart Hospital comes back in with any additional amendments in the future, there is no question how we reviewed this issue today. Kalkowski believes that Mr. Hunzeker would like to have this additional language moved from Site Specific, and she would agree to move it to Condition #3.5.

Marvin recalled the discussion that this amendment only added 22 more trips. Kalkowski indicated that she was not involved in the calculation of trips on this application. Marvin inquired whether this will impact the trip counts if there is a trip count for residential. Kalkowski does not believe it affects any of the other residential.

There was no testimony in opposition.

Taylor asked whether staff agrees with the language proposed by Kalkowski. Will did not object. Marvin asked staff to address the trip count peaks for commercial and whether there are similar trip counts for residential. Will advised that there is no trip cap for residential in the annexation agreement. The trip cap only related to the commercial west of this property. Marvin inquired whether this land mass generates a comparable number that residential would have generated, or would residential generate more traffic? Will explained that the increase of 22 trips was because there was no cap on residential. It was not broken down and they did not do a cross-comparison between the Heart Hospital and residential. The debate started because there was a trip cap as part of the annexation agreement relative to commercial development. It was not clear until recently that the trip cap did not include the residentially zoned property. The discussion of the trip cap should not have been applied to this area in the first place. It only relates to the commercially zoned property west of 91st Street.

Steward clarified that the trip cap is in place for commercial because of concern for the overall traffic as this area develops into residential -- to control the volume of traffic. Will believes that the trip cap was developed so that the infrastructure could be planned to support what is going to be developed. The concern is having enough capacity for the commercial development, and that is why the residential is not included as part of this trip cap.

Carlson recalled that during the debate of the southeast area master plan, the whole purpose of coordinating the uses was traffic related. It does seem that a heart hospital and medical office building are going to generate more trip counts than a similar amount of single family residential. Carlson wants to make sure we are not just saying it is residential so that we don't have to count it. He believes the medical office will generate more trips on the streets. The issue is that there will be additional cars on the street. Will responded, stating that when the traffic study was done and the trip cap was established, it was established for the commercial development. The cap was established to make sure there was adequate control over what was going to occur there.

Carlson then inquired as to what degree the traffic level of service is impacted by the addition of this special permit. Will suggested that for anything other than permitted uses, the city has the authority to ask the applicant to submit a traffic study to evaluate the impact, and the city still has that authority. Either with this amendment or subsequent proposals, the city has the authority to review it and if there are impacts associated with that proposal that are above the capacity, improvements can be required. In this case, the trip cap established with the annexation agreement was for the original shopping center.

Carlson confirmed that the staff analysis has determined that the additional trips are not going to be significant. Will concurred. Carlson and Marvin were both surprised that there was no impact determined.

Marvin Krout, Director of Planning, explained that the staff went back and reviewed the history of the first special permit request, and when all was said and done and the final numbers on the office trips were reviewed, it was determined that there was a reduction in the original square footage that was submitted and additional mitigated measures beyond the original annexation agreement. Thus, the Traffic Engineer determined that the impact of the pm peak hour trips on the residential side that had been assumed in the traffic study was inconsequential. Now we're looking at the impact of 22 more trips, and if you spread those out in different directions, you're talking about 3-4-5 trips in a direction over one hour of time. It is inconsequential and it is not a significant impact.

Steward commented that it is pertinent also to think about how big of an area this is – 21 acres in an R-3 townhouse configuration. Marvin believes that 20 acres of duplexes at 8 units an acre would generate about 160 trips. Krout further explained that we are talking about somewhat more trips, but it is not substantially more, not even enough that it is going to change the level of service. If someone asks for a change of zone from R-3 to something that generates more trips, then we look at it in terms of commercial trip count. If you compare the trips on the east side of 91st Street to the west side where the commercial was intended, the range of things you can do in R-3 won't substantially change the overall picture of traffic.

Response by the Applicant

Hunzeker explained his reference to the 22 more trips. What he is referring to is the increment over what is already approved versus what is being proposed. It has been agreed that the increment being added with this application is 22. With regard to the first permit, the developer did agree to construct a turn lane to serve this property that does enhance the capacity of 91st Street as it passes in front of this building.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 1, 2003

Taylor moved to approve the revised staff recommendation of conditional approval, with the amendments submitted by staff today and with the additional language submitted by Kalkowski (moved to Condition #3.5), seconded by Bills-Strand and carried 7-0: Bills-Strand, Carlson, Larson, Taylor, Marvin, Duvall and Steward voting 'yes'; Krieser absent.

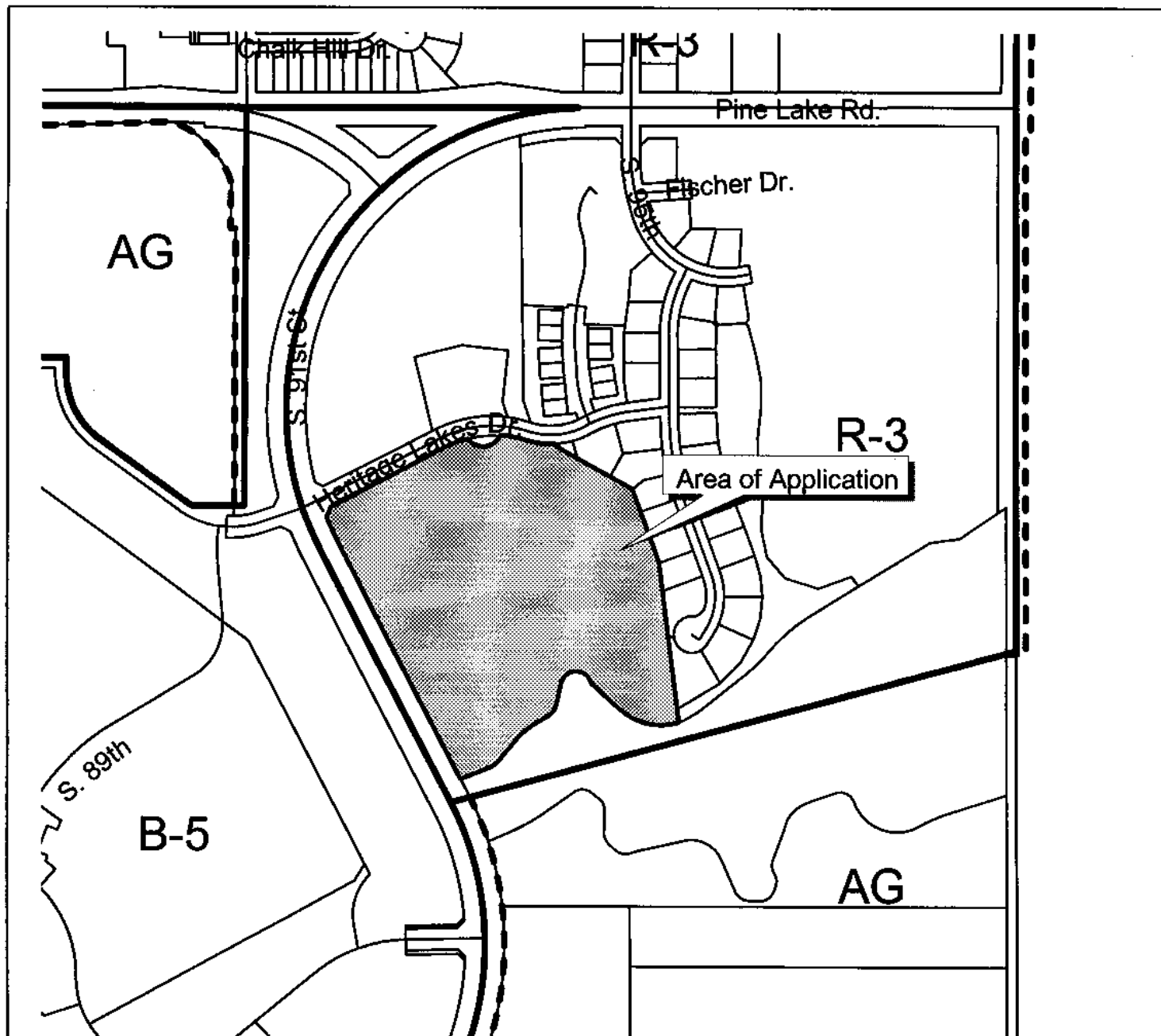


Special Permit #1939B
S. 98th & Pine Lake Rd.
Nebraska Heart Hospital



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Photograph Date: 1999

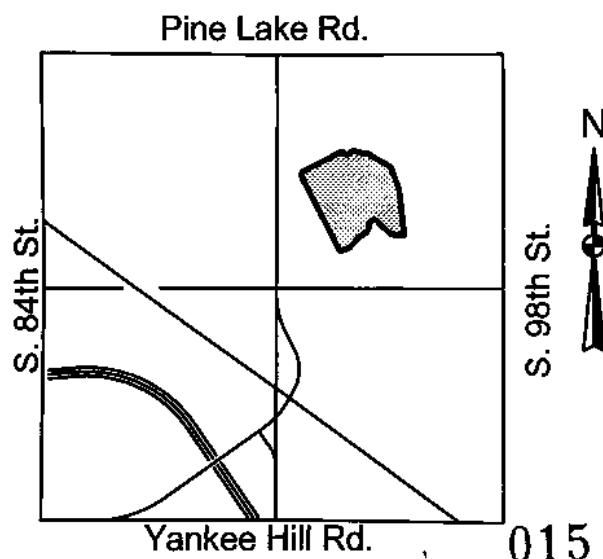
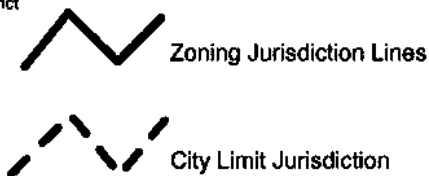


Special Permit #1939B
S. 98th & Pine Lake Rd.
Nebraska Heart Hospital

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 23 T9N R7E



PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT
Law Firm

Gary L. Aksamit
William G. Blake
Thomas J. Fitchett
Mark A. Hunzeker
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

1045 Lincoln Mall, Suite 200
P.O. Box 95109
Lincoln, Nebraska 68509

Fax (402) 476-7465
Telephone (402) 476-7621

September 10, 2003

Brian Will
Planning Department
555 S. 10th Street
Lincoln, NE 68508

Re: Special Permit No. #1939A

Dear Brian:

This is confirm our conversation of a couple days ago regarding the height of the medical office building associated with the Nebraska Heart Hospital. Please process a waiver request for a height of 44 feet for the medical office building.

We understand that this will defer public hearing on the application for two weeks, from September 17 to October 1, 2003.

Thank you very much for your help.

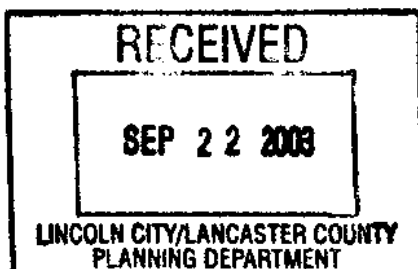
Sincerely,



Mark A. Hunzeker
For the Firm

la

(G:\WPData\MH\Nebraska Heart Institute\Will - Planning 9-10-3.ltr.wpd)





August 21, 2003

Mr. Brian Wills
LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT
555 South 10th Street
Lincoln, Nebraska 68508

RE: Nebraska Heart Institute Special Permit
Amendment to Special Permit #1939A

Dear Brian,

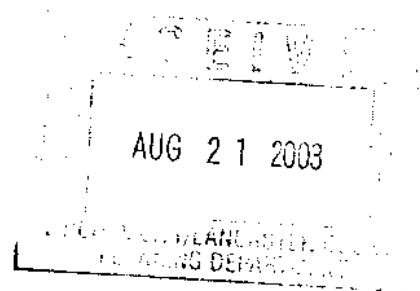
Enclosed please find 12 copies of revised site plans for the Nebraska Heart Institute and a check for the \$585.00 administrative amendment fee. We are requesting an amendment to special permit #1939A for a portion of Lot 82. Our design includes additional parking stalls and related drainage to accommodate future expansion of the Heart Institute.

Thank you for your assistance in this matter. If you have any questions or comments, please contact me at (402) 466-5000.

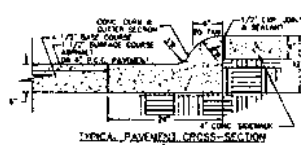
Sincerely,
REGA ENGINEERING GROUP, INC.

A handwritten signature in black ink, appearing to read "Dan Rosenthal", is written over a faint circular stamp.

Dan Rosenthal, P.E.



017

[illegible]

PARKING FOR ENTIRE SITE	
HOSPITAL	27
OFFICE BUILDING	28
TOTAL REQUIREMENTS	55

A $\alpha = 20^\circ 34'$ $\beta = 23^\circ 52'$ $\gamma = 100^\circ 4'$ $\delta = 1^\circ 34'$ $\epsilon = 20^\circ 34'$	B $\alpha = 24^\circ 24'$ $\beta = 9^\circ 7'$ $\gamma = 150^\circ 0'$ $\delta = 1^\circ 34'$ $\epsilon = 24^\circ 24'$	C $\alpha = 26^\circ 27'$ $\beta = 1^\circ 34'$ $\gamma = 150^\circ 0'$ $\delta = 2^\circ 50'$ $\epsilon = 26^\circ 27'$	D $\alpha = 1^\circ 34'$ $\beta = 23^\circ 52'$ $\gamma = 171^\circ 5'$ $\delta = 2^\circ 50'$ $\epsilon = 1^\circ 34'$
E $\alpha = 20^\circ 34'$ $\beta = 23^\circ 52'$ $\gamma = 100^\circ 4'$ $\delta = 1^\circ 34'$ $\epsilon = 20^\circ 34'$	F $\alpha = 24^\circ 24'$ $\beta = 9^\circ 7'$ $\gamma = 150^\circ 0'$ $\delta = 1^\circ 34'$ $\epsilon = 24^\circ 24'$	G $\alpha = 26^\circ 27'$ $\beta = 1^\circ 34'$ $\gamma = 150^\circ 0'$ $\delta = 2^\circ 50'$ $\epsilon = 26^\circ 27'$	H $\alpha = 1^\circ 34'$ $\beta = 23^\circ 52'$ $\gamma = 171^\circ 5'$ $\delta = 2^\circ 50'$ $\epsilon = 1^\circ 34'$
I $\alpha = 1^\circ 34'$ $\beta = 23^\circ 52'$ $\gamma = 100^\circ 4'$ $\delta = 1^\circ 34'$ $\epsilon = 20^\circ 34'$	J $\alpha = 24^\circ 24'$ $\beta = 9^\circ 7'$ $\gamma = 150^\circ 0'$ $\delta = 1^\circ 34'$ $\epsilon = 24^\circ 24'$	K $\alpha = 26^\circ 27'$ $\beta = 1^\circ 34'$ $\gamma = 150^\circ 0'$ $\delta = 2^\circ 50'$ $\epsilon = 26^\circ 27'$	L $\alpha = 1^\circ 34'$ $\beta = 23^\circ 52'$ $\gamma = 171^\circ 5'$ $\delta = 2^\circ 50'$ $\epsilon = 1^\circ 34'$

SPECIAL PERMIT #19380
SITE PLAN

OLSSON ASSOCIATES
1731 LINCOLN MALL
LINCOLN NE. 68501
PHONE. 474-6311

NEBRASKA HEART INST. CO
MRS. SHERYL DOODS
1500 S. 48TH STREET, SUITE 200
LINCOLN, NE 68506
PHONE: (402) 400-8555

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE WESTERLY PORTION OF LOT 92 (7, LOCATED IN THE NORTH-EAST QUARTER OF SECTION 25 TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MOST

[illegible]

— W —	EXISTING WATER MAIN
— P —	PROPOSED WATER MAIN
— S —	EXISTING SANITARY SEWER
— S —	PROPOSED SANITARY SEWER
— S —	SANITARY SEWER MANHOLE
— S —	PIPE HYDRANT
— S —	WATER VALVE
— 15" SS —	EXISTING STORM SEWER
— 15" SS —	PROPOSED STORM SEWER
— — — — —	LEGAL BOUNDARY
— — — — —	BUILDING ENVELOPE
— — — — —	LAKE EDGE
— — — — —	W. SIDEWALK



CENTERLINE CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	TANGENT CHORD
A40	250.00	19°25'54"	84.79	42.80
A45	400.00	14°07'34"	108.26	102.14
A50	500.00	11°32'30"	139.62	130.50

THE FOREGOING SPECIAL PERMIT RIGHTS WAS APPROVED BY THE CITY COUNCIL.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED CERTIFICATES ON THESE PLANTS
WERE WORKED BY ME OR UNDER MY CLOSE DIRECT SUPERVISION AND THAT I AM
A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF
NEBRASKA. THESE PLANTS MEET THE REQUIREMENTS OF THE CITY
ENGINEERS OF THE DESIGN REQUIREMENTS.

8/31/03

DATE

Don Rosen

DON ROSEN/MAIL

E-7588

I HEREBY CERTIFY THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM AWARE THAT THIS STATEMENT IS A MATERIAL PART OF THE APPLICATION FOR A PASSPORT AND THAT ANY FALSIFICATION OF THIS STATEMENT IS A VIOLATION OF THE FEDERAL LAWS OF THE UNITED STATES AND MAY BE PUNISHED BY FINE OR IMPRISONMENT OR BOTH.

SPECIAL PERMIT # 102024 AND WITHIN THE LEGAL JURISDICTION OF THE UNITED STATES OF AMERICA. I AM AWARE THAT ANY FALSIFICATION OF THIS STATEMENT IS A VIOLATION OF THE FEDERAL LAWS OF THE UNITED STATES AND MAY BE PUNISHED BY FINE OR IMPRISONMENT OR BOTH.

DECLARATION AND VERIFICATION COMPLETED ON JANUARY 18, 2002 BY MICHAEL R. JOHNSON, 15 MO SWO AND AS RECORDED IN THE LANDMASTER RECORDS OF DEEDS

8/21/03

ONE

THOMAS B. CAULEY

RECEIVED
PASSPORT
UNIT
JAN 21 2003
U.S. DEPT. OF STATE

1. A MODIFICATION OF THE DISPOSITION ORDINANCE TO ALLOW FREE PLAYS TO BE APPROVED FROM THIS SPECIAL FORM

CONSULTING ENGINEERS
7111 Lincoln Way
P.O. Box 84608
Lincoln, NE 68501
402-474-6377

NEBRASKA
HEART
INSTITUTE

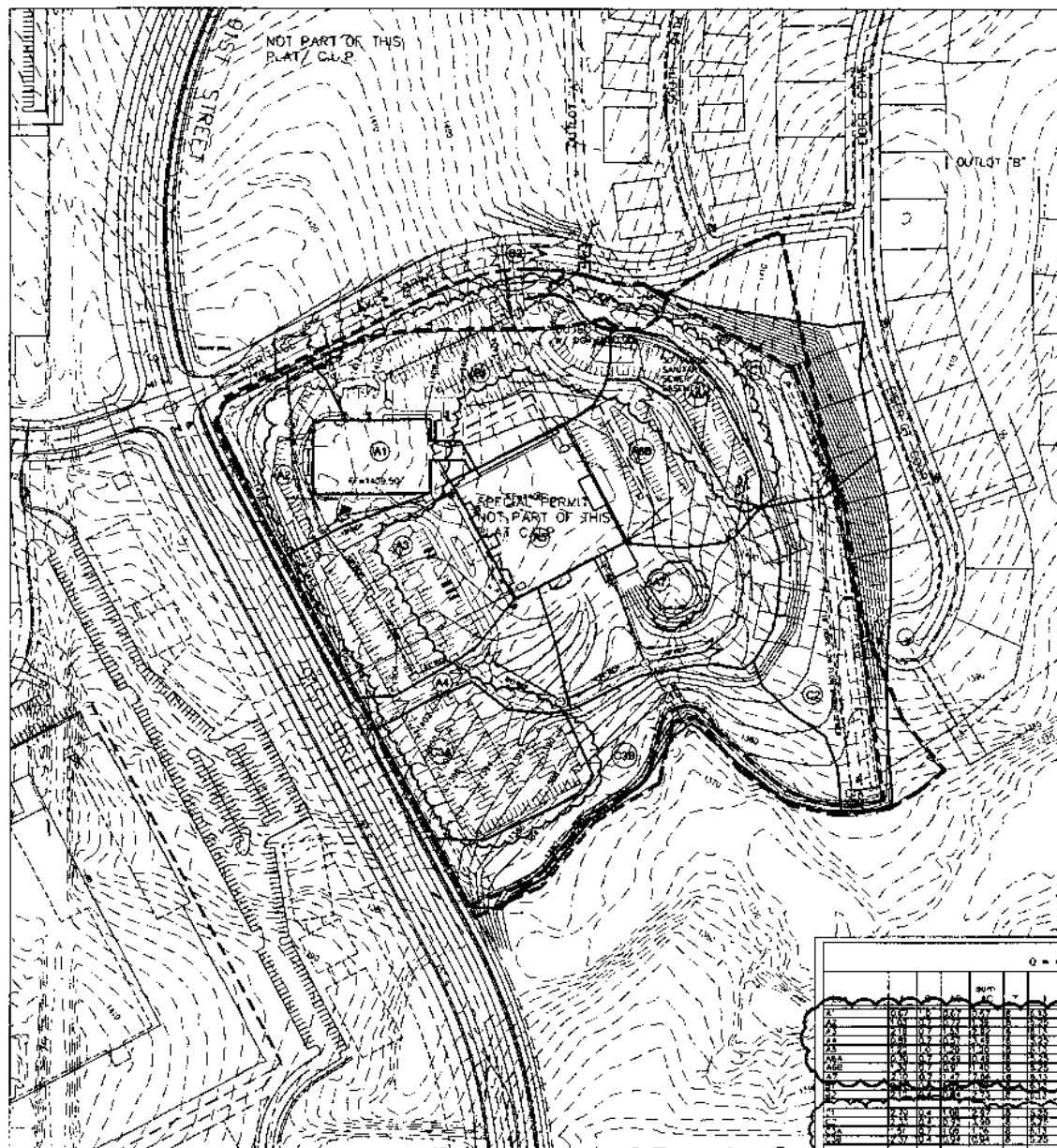
SPECIAL
PERMIT #1939B

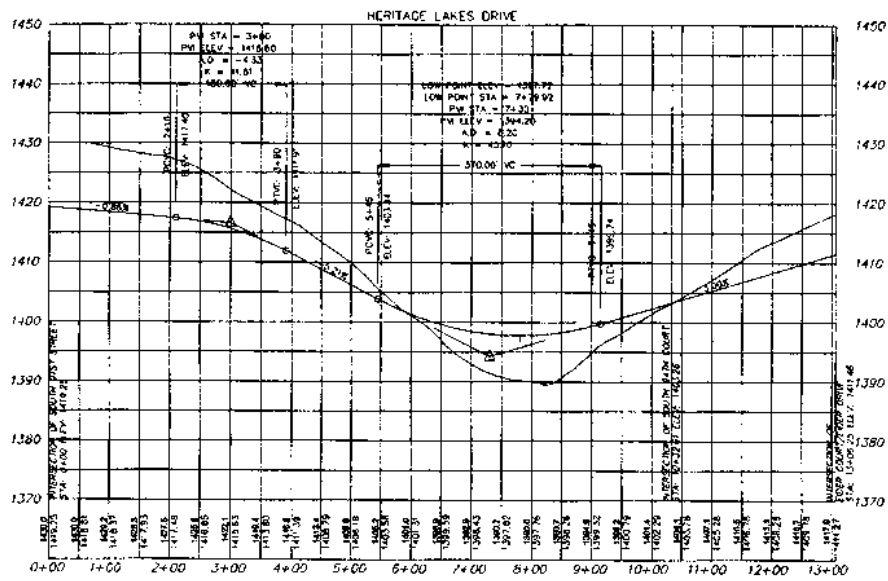
SITE
PLANLINCOLN
NEBRASKA
68502

drawn by: TWP
designed by: MCP
checked by: MCP, SC
approved by: MCP
project no.: 2001-0724
drawing no.: 100239
Submittal
1st = 08/20/01
2nd = 12/28/01
Revision:
11- HERITAGE LAKES
DRIVE & LAYOUT
CHANGE
1st = 01/24/02
2nd = 02/06/02
3rd = 03/19/02
4th = 04/09/03

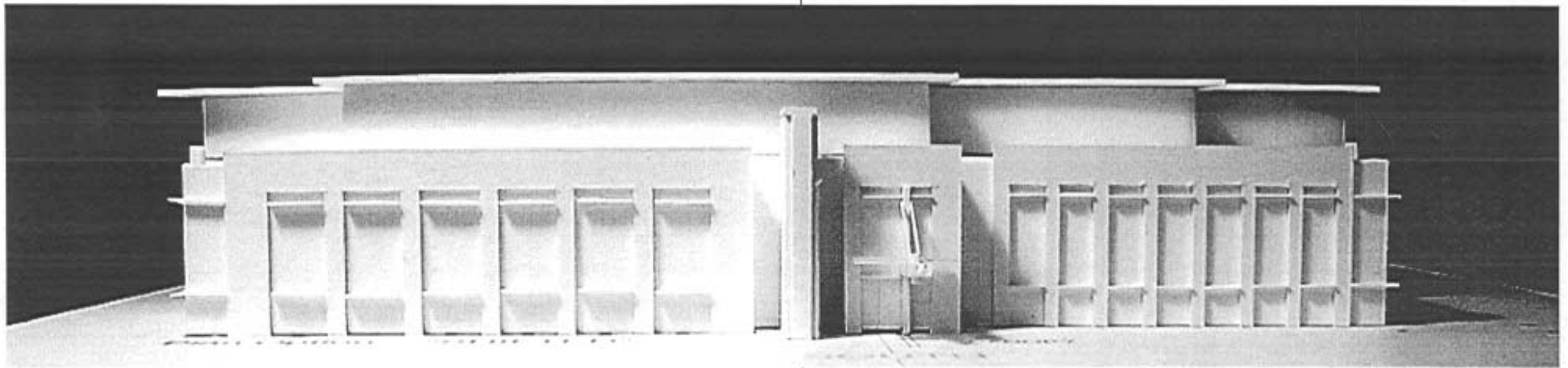


SHEET
1 OF 4





SINCLAIR | hille
architects



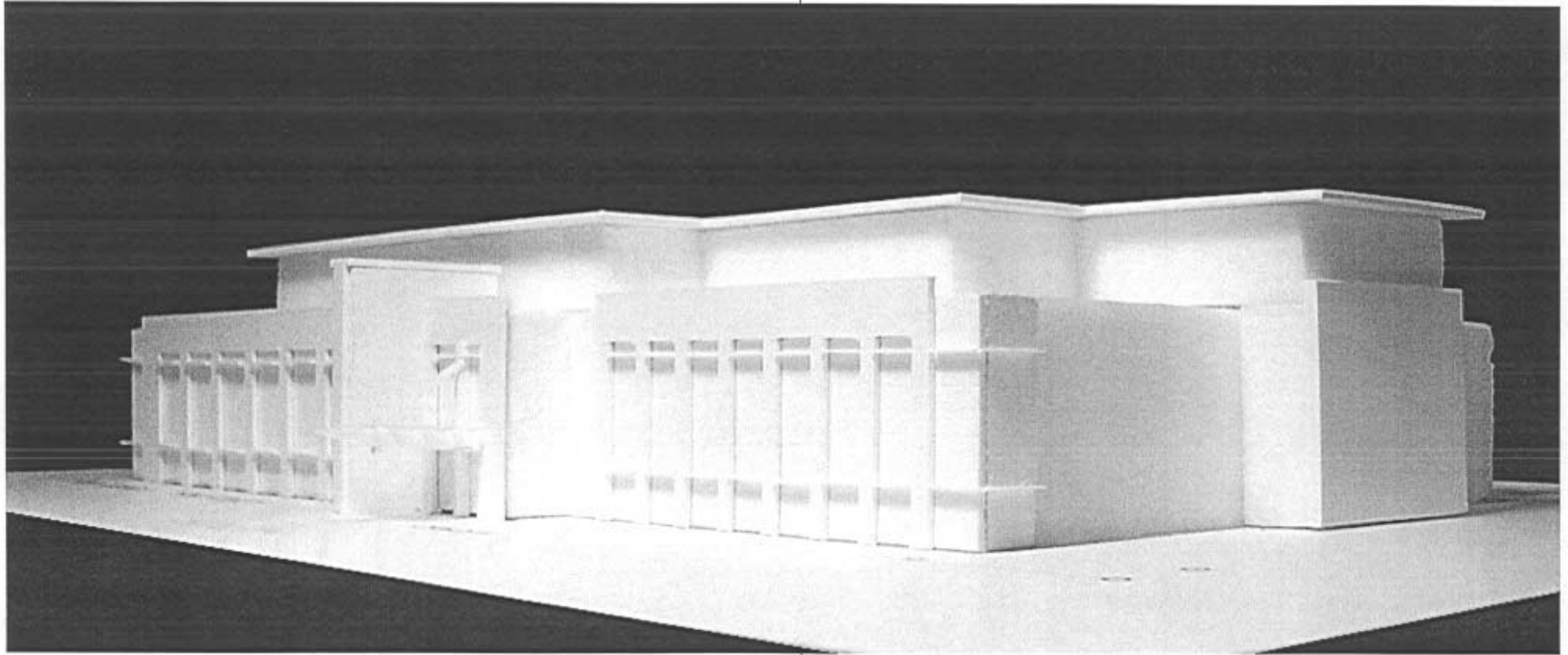
Study Model : South Elevation

Proposed NHI - Medical Office Bldg.

Design Development

Date - 09.12.03

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architects



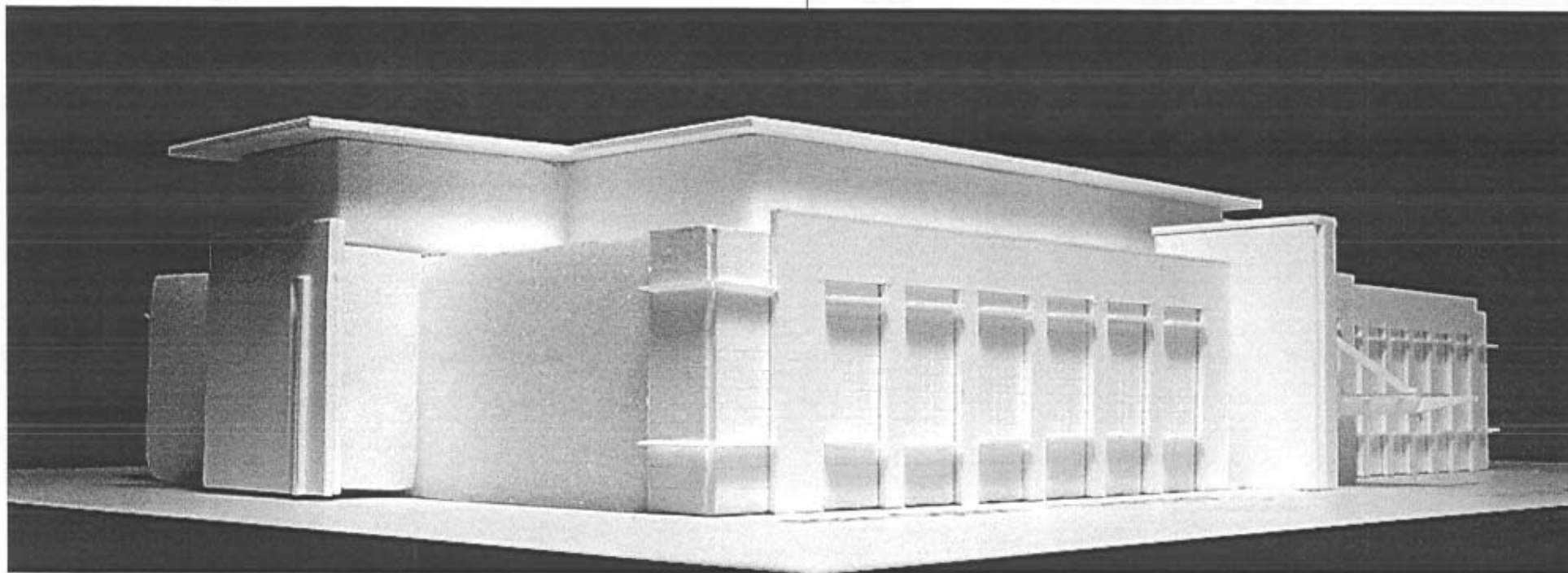
Study Model : Southeast corner of Bldg.

Proposed NHI - Medical Office Bldg.

Design Development

Date - 09.12.03

SINCLAIR | hille
architects

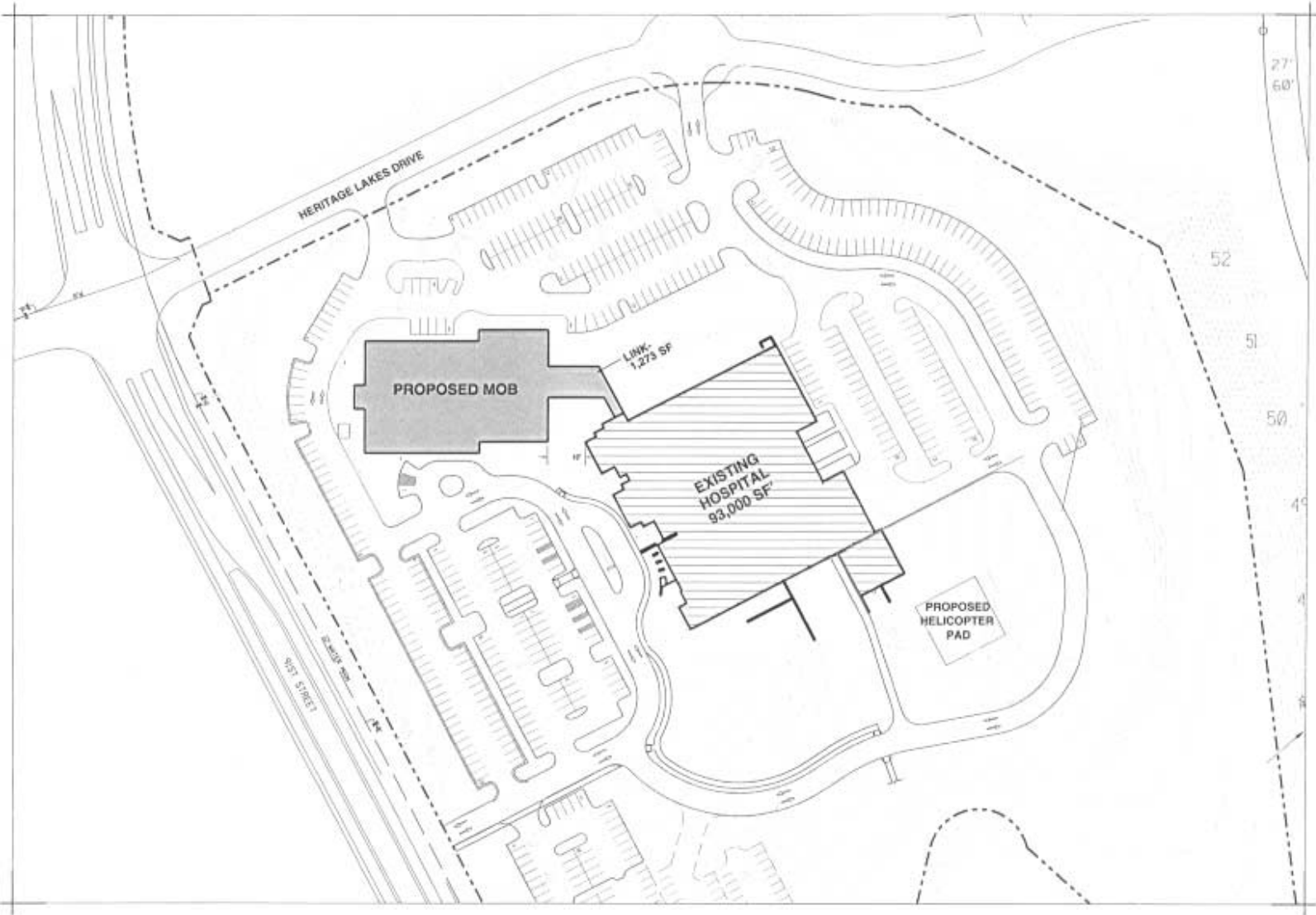


Study Model : Southwest corner of Bldg.

Proposed NHI - Medical Office Bldg.

Design Development

Date - 09.12.03



M.E.G. GROUP, INC.

ENGINEERS - CONSULTANTS

1000 N. 10TH ST. SUITE 200

MINNEAPOLIS, MN 55401

TEL: 612/338-1111 FAX: 612/338-1112

WWW.MEGGROUP.COM

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STEIN COX GROUP

ARCHITECTS

1000 N. 10TH ST. SUITE 200

MINNEAPOLIS, MN 55401

TEL: 612/338-1111 FAX: 612/338-1112

WWW.STEINCOXGROUP.COM

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SINCLAIR

ARCHITECTS

1000 N. 10TH ST. SUITE 200

MINNEAPOLIS, MN 55401

TEL: 612/338-1111 FAX: 612/338-1112

WWW.SINCLAIRARCHITECTS.COM

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KIRKHAM MICHAEL

CONSULTING ENGINEERS

1000 N. 10TH ST. SUITE 200

MINNEAPOLIS, MN 55401

TEL: 612/338-1111 FAX: 612/338-1112

WWW.KIRKHAMMICHAEL.COM

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Nebraska Heart Institute

Medical Office Building

1000 N. 10TH ST. SUITE 200

MINNEAPOLIS, MN 55401

TEL: 612/338-1111 FAX: 612/338-1112

WWW.NEHEARTINSTITUTE.COM

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REVISION

DATE

DESCRIPTION

BY

CHECKED BY

DATE

DESCRIPTION

BY

CHECKED BY

DATE

DESCRIPTION

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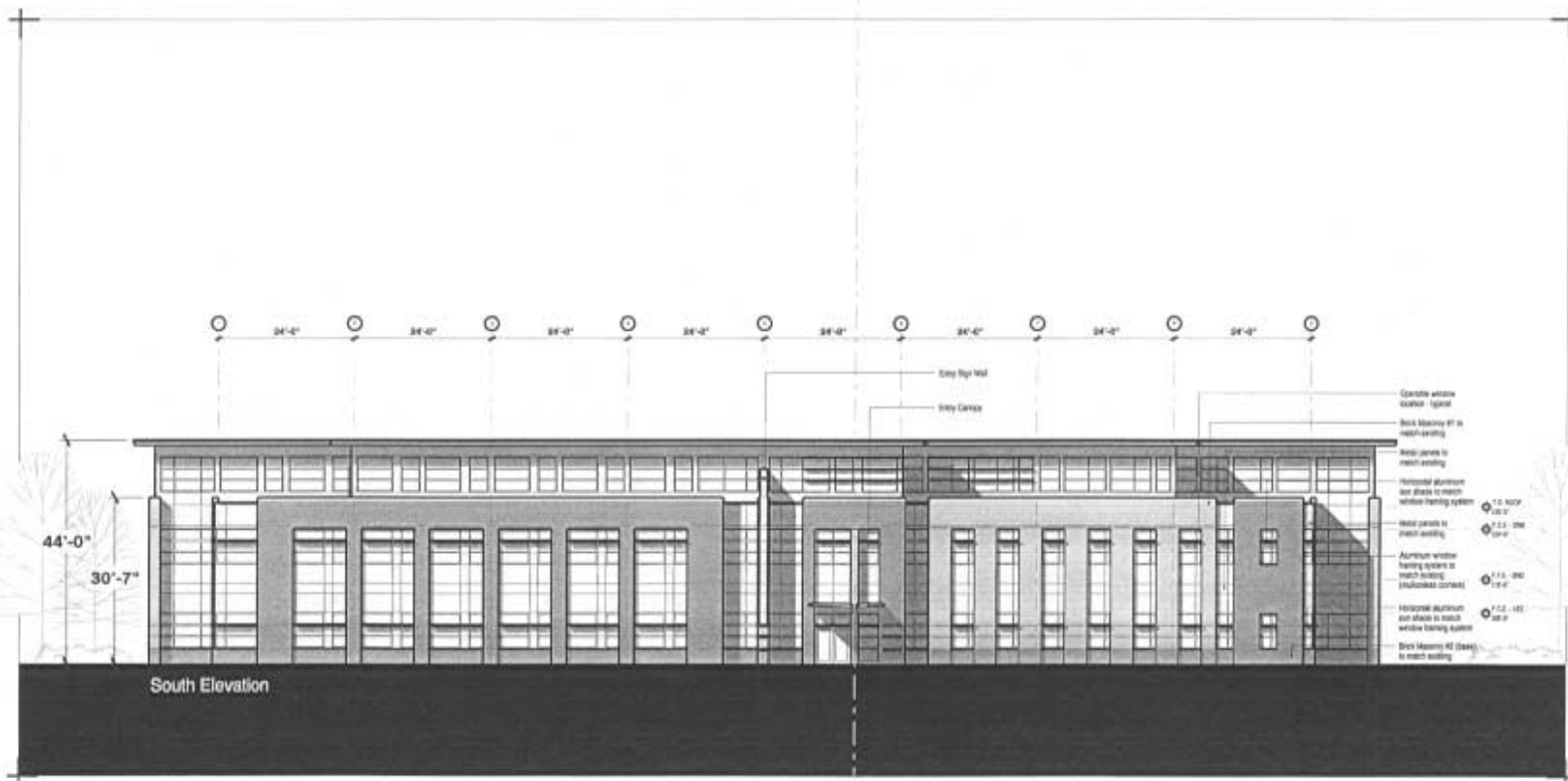
DESCRIPTION

BY

CHECKED BY

DATE

SINCLAIR ^{hille}
architects



South Elevation

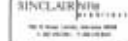
Proposed NHI - Medical Office Building
Design Development
Date - 09.12.03



M.E. GREEN, INC.
CONSULTING ENGINEERS & ARCHITECTS
1000 N. 10TH ST.
SUITE 100
DENVER, CO 80202
TEL: 303.733.1000
FAX: 303.733.1001
WWW.MEGREEN.COM



STEEL COX GROUP
ARCHITECTS
1000 N. 10TH ST.
SUITE 100
DENVER, CO 80202
TEL: 303.733.1000
FAX: 303.733.1001
WWW.STELLARCOX.COM



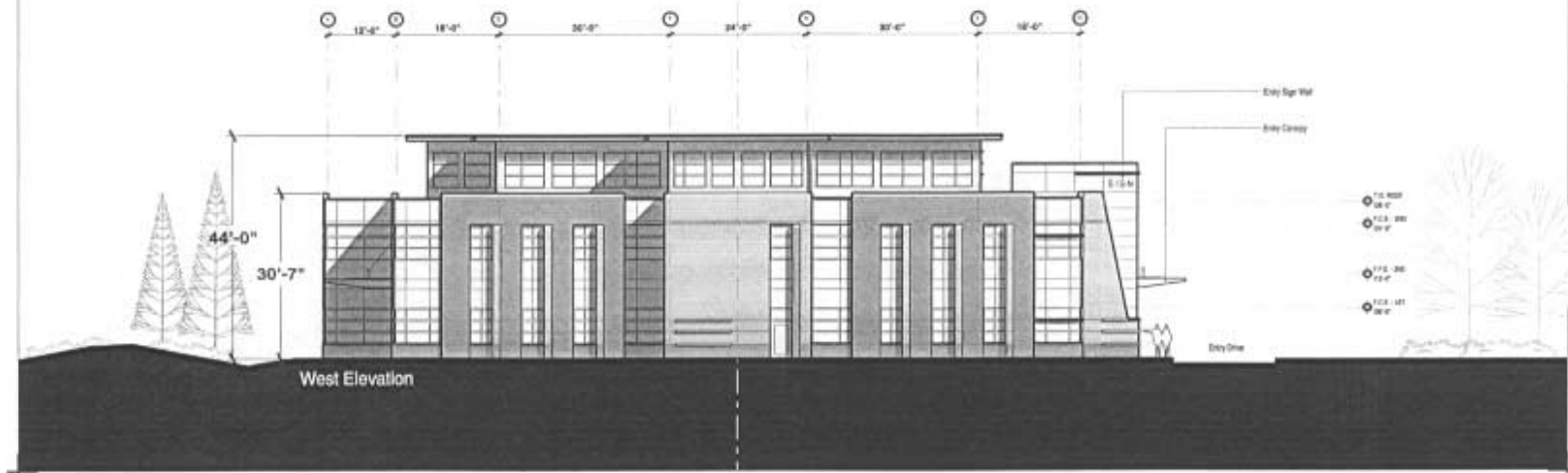
SINCLAIR hille architects
1000 N. 10TH ST.
SUITE 100
DENVER, CO 80202
TEL: 303.733.1000
FAX: 303.733.1001
WWW.SINCLAIRHILLE.COM



DATE	09.12.03
REVISION	01
REVISION 1	01.02.04
REVISION 2	01.02.04
REVISION 3	01.02.04
REVISION 4	01.02.04
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REVISION 7	01.02.04
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REVISION 19	01.02.04
REVISION 20	01.02.04

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architects



Proposed NHI - Medical Office Building
Design Development
Date - 09.12.03

MEG
M.J. GROUP, INC.
CONSULTING ENGINEERS
1000 N. 10TH ST.
SUITE 100
MINNEAPOLIS, MN 55401
TEL: 612.338.1000
FAX: 612.338.1001
WWW.MJGROUP.COM

STEIN COX
GROUP
ARCHITECTS
1000 N. 10TH ST.
SUITE 100
MINNEAPOLIS, MN 55401
TEL: 612.338.1000
FAX: 612.338.1001
WWW.STEINCOX.COM

SINCLAIR
hille
architects
1000 N. 10TH ST.
SUITE 100
MINNEAPOLIS, MN 55401
TEL: 612.338.1000
FAX: 612.338.1001
WWW.SINCLAIRHILLE.COM

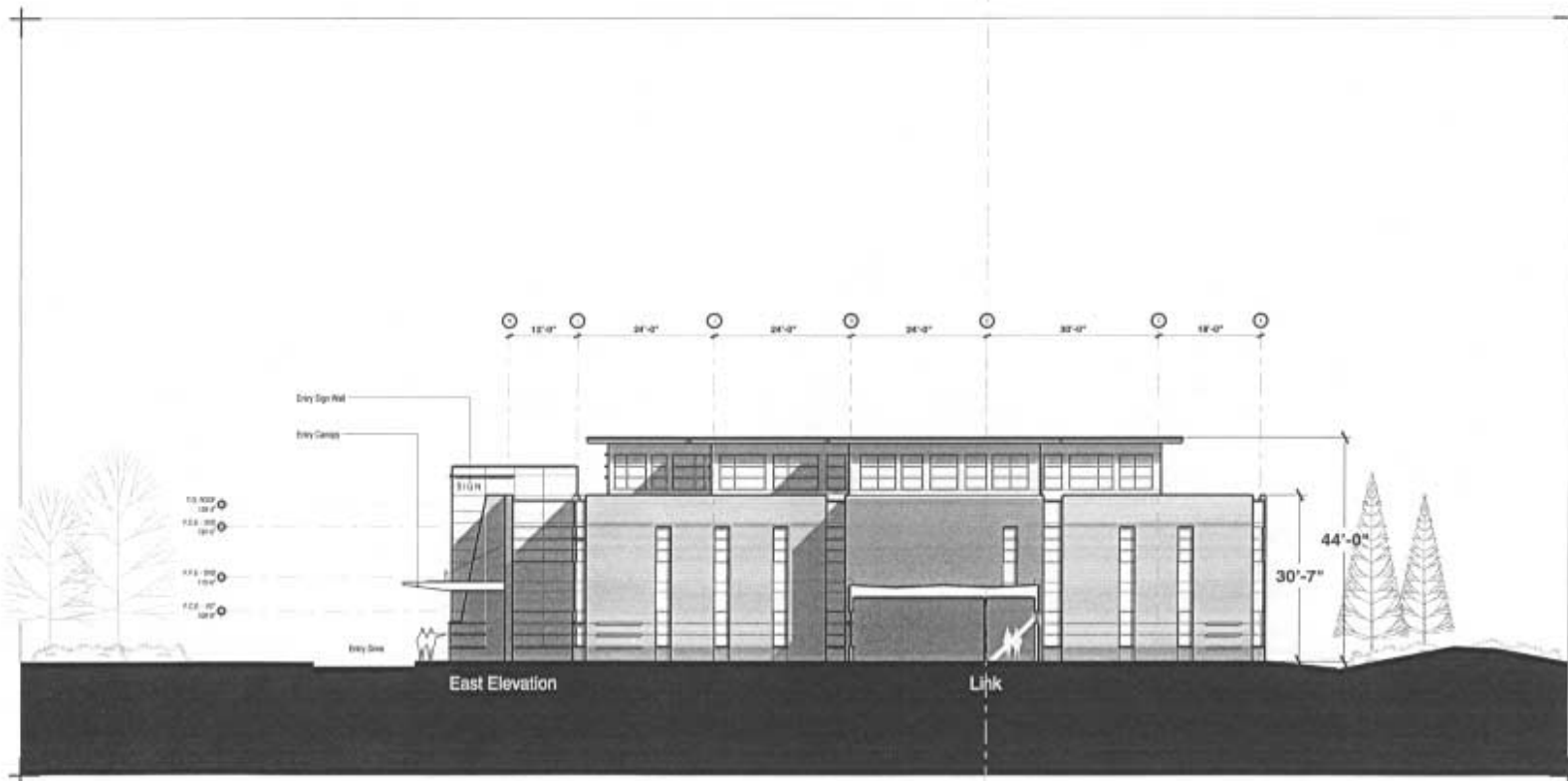
KIRKHAM
AND
MICHAEL
CONSULTING ENGINEERS
1000 N. 10TH ST.
SUITE 100
MINNEAPOLIS, MN 55401
TEL: 612.338.1000
FAX: 612.338.1001
WWW.KIRKHAMANDMICHAEL.COM

NHI
Nebraska Heart Institute
Medical Office Building

DATE: 09.12.03
DRAWN: JLM
CHECKED: JLM
APPROVED: JLM
PROJECT NO: 03-001
SHEET NO: 01
TOTAL SHEETS: 01

A 100

SINCLAIR *hille*
architects



029

Proposed NHI - Medical Office Building
Design Development
Date - 09.12.03

MEG
M.E. GROUP, INC.
ENGINEERING & ARCHITECTURE

1000 N. HIGH ST. SUITE 200
TAMPA, FL 33602
TEL: 813.241.1111 FAX: 813.241.1112
WWW.MEG-FL.COM

PROFESSIONAL ENGINEER
FLORIDA LICENSE NO. 1222

PROFESSIONAL ARCHITECT
FLORIDA LICENSE NO. 1222

PROJECT NO. 03-001

SINCLAIR *hille*
architects

100 N. HIGH ST. SUITE 200
TAMPA, FL 33602
TEL: 813.241.1111 FAX: 813.241.1112

PROJECT NO. 03-001

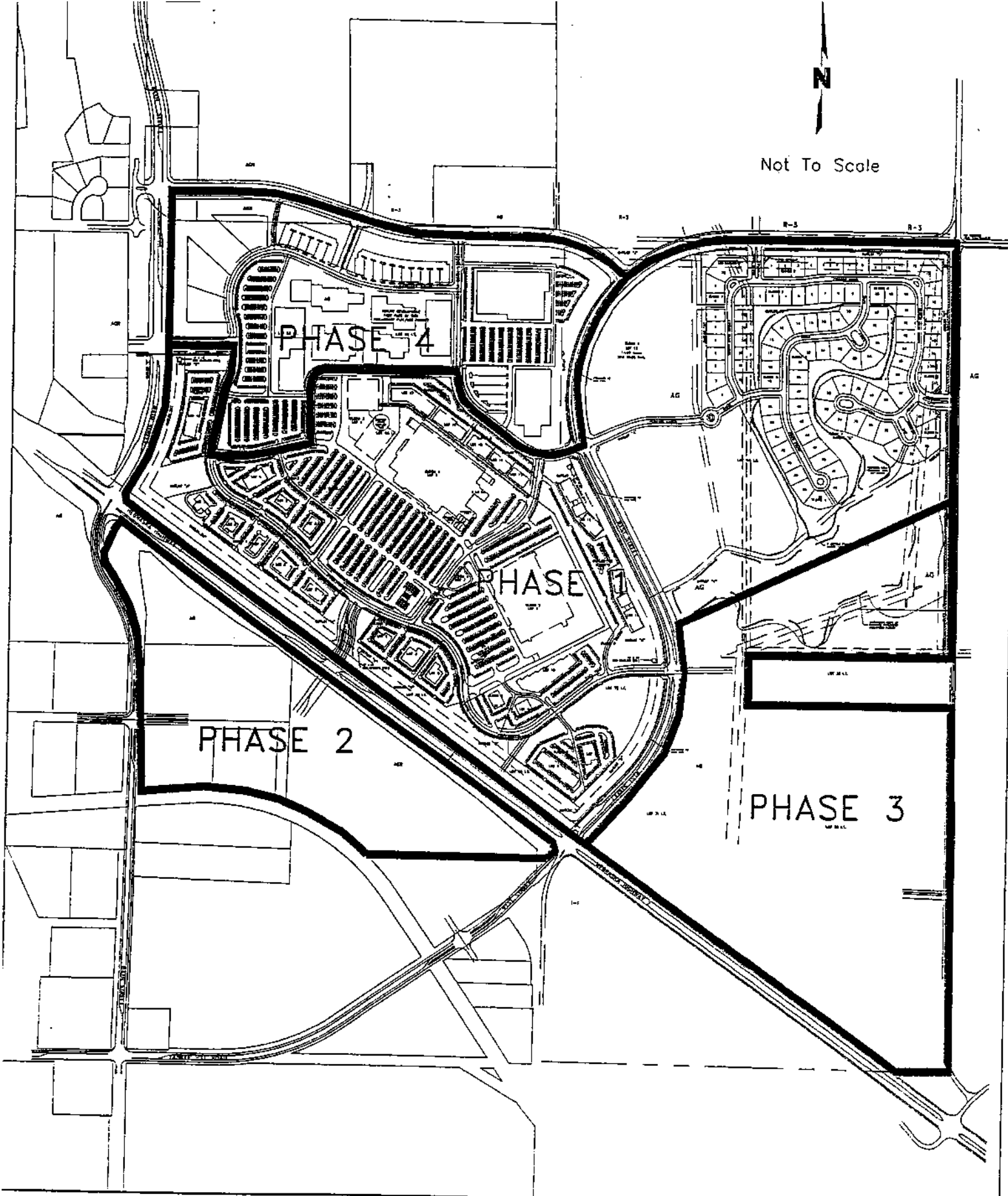
KIRCHAM MICHAEL
CONSULTING ENGINEERS
100 N. HIGH ST. SUITE 200
TAMPA, FL 33602
TEL: 813.241.1111 FAX: 813.241.1112

PROJECT NO. 03-001

NHI
Narasaka Heart Institute
Medical Office Building

DATE	09.12.03
DESIGNED BY	AT, JES, BS
DRAWN BY	AT, JES, BS
CHECKED BY	BS, JES, BS
IN CHARGE	BS, JES, BS
DATE FOR REVIEW	09.14.03
DATE FOR CONSTRUCTION	09.14.03
DATE FOR ARCHIVE	09.14.03

A 100



84TH & HIGHWAY 2
DEVELOPMENT PHASING

OLSSON ASSOCIATES

CONSULTING ENGINEERS

P.O. Box 84608, Lincoln, NE 68501

8/2/01

030

Attachment "C"

W. MICHAEL MORROW
TERRANCE A. POPPE
ROBERT R. OTTE
DAVID W. WATERMEIER
TIMOTHY C. PHILLIPS
JOEL G. LONOWSKI
JOSEPH E. DALTON
KELLY N. TOLLEFSEN
JENNIFER S. LILIEDAHL

9/17/03

**MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.**

Attorneys at Law

A Limited Liability Organization
TELEPHONE: (402) 474-1731
FACSIMILE: (402) 474-5020
E-MAIL ADDRESS: info@morrowpoppelaw.com
WEBSITE: www.morrowpoppelaw.com

Location:
201 N. 8th Street, Suite 300
Lincoln, Nebraska 68508

Mailing Address:
P.O. Box 83439
Lincoln, Nebraska 68501-3439

September 17, 2003

Lincoln City-Lancaster County
Planning Commission
City-Council Hearing Room
County-City Building
555 S. 10th Street
Lincoln, NE 68508

HAND DELIVERED

Re: September 17, 2003 Agenda; Item 1.3/Special Permit No. 1939B

Dear Mr. Chairman and Planning Commission Members:

Please be formally advised that this firm represents Eiger Corp., a Nebraska corporation ("Eiger") and Andermatt, L.L.C., a Nebraska limited liability company ("Andermatt") in connection with the above captioned matter. Eiger and Andermatt are the primary parties to the Annexation Agreement entered into with the City for purposes of annexing and changing the zoning designation of the property generally depicted on page 41 of the Agenda (a copy of which is attached hereto).

Paragraphs 2 and 3 on page 30 of the Agenda accurately describe the P.M. peak hour trip cap for the area depicted on the enclosure (total of 5,283 P.M. peak hour trips; 4,044 of which are allocated to the commercial area north of Highway 2; and 1,239 of which are allocated to the commercial area south of Highway 2). Eiger and Andermatt have expended a tremendous amount of their funds to construct, improve, update and develop the street system depicted on the enclosure, in order to obtain the P.M. peak hour trip cap for this area, and need to carefully allocate the P.M. peak hour trips to each portion of the area as new facilities are constructed within the area.

It is our understanding that the P.M. peak hour trips allocated to the Site covered by Special Permit #1939B is currently 195, which is calculated as follows:

93,000 s.f. Hospital @ 0.92 trips/1,000 s.f. =	85.56
30,000 s.f. Medical Office Bldg. @ 3.66 trips/1,000 s.f. =	109.8
CURRENT TOTAL ALLOCATION	195.36

The additional 33,500 square feet of medical office space that is requested by Special Permit #1939B will generate approximately 122.61 additional P.M. peak hour trips to the Site which is the subject matter of Special Permit #1939B. Please be formally advised that neither Eiger nor Andermatt have agreed to reallocate any additional P.M. peak hour trips to the Site that is covered by Special Permit

September 17, 2003
Page 2

#1939B; and that Eiger and Andermatt specifically reserve for their use, and allocation, in connection with the future development of the area north of Highway 2 as depicted on the enclosure, all P.M. peak hour trips that are currently allocated to the undeveloped areas north of Highway 2 for the future development of the remaining areas north of Highway 2.

Therefore, in accordance with paragraphs 2 and 3 on page 30 of the Application, and Section 1.2 of the Site Specific Conditions described on page 31 of the Application, we hereby formally request that you refuse to approve the Application described in Special Permit #1939B unless and until you are furnished written documentation duly executed by Andermatt and Eiger evidencing a reallocation of the P.M. peak hour trips to the Site that is covered by Special Permit #1939B.

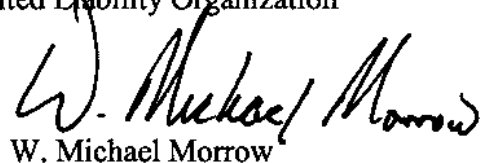
We hereby also formally request that the Planning Staff advise the undersigned in writing of any future developments regarding Special Permit #1939B including, but not limited to, the total number of P.M. peak hour trips that need to be allocated to the Site covered by Special Permit #1939B in order to allow the construction of the requested 63,500 s.f. medical office building and any future hearings before the Planning Commission and/or the City Council regarding Special Permit #1939B.

If you have any questions regarding this matter please do not hesitate to contact me.

Very truly yours,

MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.
A Limited Liability Organization

By:

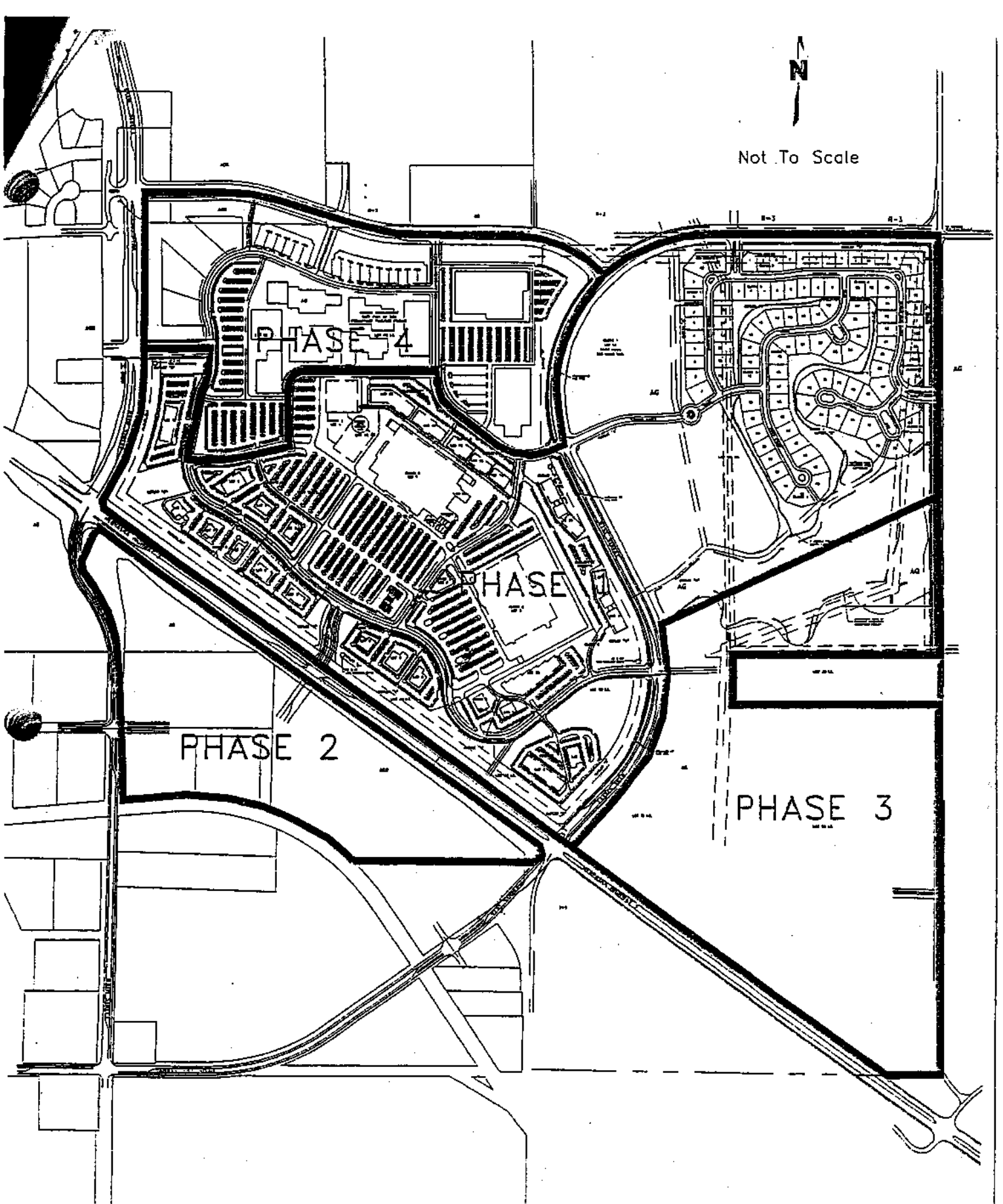


W. Michael Morrow

E-mail: wmm@morrowpoppelaw.com

WMM/pg
Enclosure

c: Kelvin Korver (w/enc.)
Gregory E. Sutton (w/enc.)
Dan Rosenthal, P.E. (w/enc.)
Mark Hunzeker (w/enc.)



84TH & HIGHWAY 2
DEVELOPMENT PHASING

OLSSON ASSOCIATES
CONSULTING ENGINEERS

P.O. Box 84608, Lincoln, NE 68501

8/2/01

Attachment "C"

033

MEMORANDUM

TO: Planning Commission

FROM: Brian Will, Planning Department

SUBJECT: Special Permit #1939B - The Nebraska Heart Hospital

DATE: October 1, 2003

Staff is recommending the conditions for approval in the revised staff report dated October 1, 2003 for Special Permit #1939B be revised as follows:

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 The correct legal description on the site plan.
 - ~~1.1.2 The land use/trip generation table that is part of the Appian Way Use Permit #140A included as part of this special permit, with the table appended to include a note indicating the number p.m. peak hour vehicle trips allocated to the hospital site which includes 80 beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area.~~
 - ~~1.2 Submit documentation demonstrating that the information regarding trip generation calculations for the hospital (80 beds, 95,000 square feet) and medical office building (63,500 square feet) has been provided to the parties to the Appian Way annexation agreement as part of a letter informing them of the intent of this amendment.~~

2. This approval permits 80-beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area with a waiver to height to 44'. Any application for further expansion shall be accompanied by a traffic study which identifies any impact on the street network and by a plan to mitigate said impacts.

General:

3. Before receiving building permits:

EXCEPT FOR 12 ACCESSORY MULTI-FAMILY DWELLING UNITS FOR TEMPORARY LODGING OF FAMILY AND HOSPITAL VISITORS,

- 3.1 The applicant shall submit 5 copies of the revised site plan.
- 3.2 The operation and the premises are to comply with all applicable state and federal requirements.
- 3.3 The construction plans comply with the approved plans.
- 3.4 Parking lot screening must be shown.

Standard:

5. The following conditions are applicable to all requests:
- 5.1 Before occupying the additional 33,500 square feet of medical office space allowed by this permit all development and construction is to comply with the approved plans.
 - 5.2 All privately-owned improvements, including landscaping are to be permanently maintained by the owner.
 - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by

administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Special Permit #1939B to read as follows:

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:

- 1.1.1 The correct legal description on the site plan.

- 1.1.2 ~~The land use/trip generation table that is part of the Appian Way Use Permit #140A included as part of this special permit, with the table appended to include a note indicating the number p.m. peak hour vehicle trips allocated to the hospital site which includes 80 beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area.~~ Add a note stating, "This special permit is located within a residential district and does not affect the 'P.M. Peak Hour Net Commercial Vehicle Trips' cap set forth in the Conditional Annexation and Zoning Agreement for S. 84th & Highway 2."

- ~~1.2 Submit documentation demonstrating that the information regarding trip generation calculations for the hospital (80 beds, 95,000 square feet) and medical office building (63,500 square feet) has been provided to the parties to the Appian Way annexation agreement as part of a letter informing them of the intent of this amendment.~~

2. This approval permits 80-beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area with a waiver to height to 44'.

General:

3. Before receiving building permits:
 - 3.1 The applicant shall submit 5 copies of the revised site plan.
 - 3.2 The operation and the premises are to comply with all applicable state and federal requirements.
 - 3.3 The construction plans comply with the approved plans.

3.4 Parking lot screening must be shown.

Standard:

5. The following conditions are applicable to all requests:

- 5.1 Before occupying the additional 33,500 square feet of medical office space allowed by this permit all development and construction is to comply with the approved plans.
- 5.2 All privately-owned improvements, including landscaping are to be permanently maintained by the owner.
- 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.

6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C.